

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

DAVID GOLD, on behalf of himself
and all others similarly situated,

07 CV 8121

Plaintiff,

- against -

ANSWER TO COMPLAINT

AFNI, INC.,

Defendant.

Judge Jones

- - - - -X

Defendant, AFNI, INC., by its attorney Arthur Sanders, as
and for its answer to plaintiff's Complaint as follows:

1. Defendant denies knowledge or information sufficient
to form a belief with respect to the truth of the allegation
contained in Paragraph "FIRST" of the Complaint.

2. Defendant denies knowledge or information sufficient
to form a belief with respect to the truth of the allegation
contained in Paragraph "SECOND" of the Complaint.

3. Defendant admits the allegation contained in Paragraph
"THIRD" of the Complaint.

4. Defendant admits that the Court has Federal question
jurisdiction but otherwise denies the allegation contained in
Paragraph "FOURTH" of the Complaint.

5. Defendant admits the allegation contained in Paragraph
"FIFTH" of the Complaint.

6. Defendant denies the allegation contained in Paragraph "SIXTH" of the Complaint.

7. Defendant denies the allegation contained in Paragraph "SEVENTH" of the Complaint.

8. Defendant denies the allegation contained in Paragraph "EIGHTH" of the Complaint.

9. Defendant denies the allegation contained in Paragraph "NINTH" of the Complaint and all of its sub-paragraphs.

10. Defendant denies the allegation contained in Paragraph "TENTH" of the Complaint.

11. Defendant denies the allegation contained in Paragraph "ELEVENTH" of the Complaint.

12. Defendant denies the allegation contained in Paragraph "TWELFTH" of the Complaint.

13. Defendant denies the allegation contained in Paragraph "THIRTEENTH" of the Complaint.

14. Defendant denies the allegation contained in Paragraph "FOURTEENTH" of the Complaint.

15. Defendant admits the allegation contained in Paragraph "FIFTEENTH" of the Complaint.

16. Defendant denies knowledge or information sufficient to form a belief with respect to the truth of the allegation contained in Paragraph "SIXTEENTH" of the Complaint.

17. Defendant denies knowledge or information sufficient

to form a belief with respect to the truth of the allegation contained in Paragraph "SEVENTEENTH" of the Complaint.

18. Defendant denies the allegation contained in Paragraph "EIGHTEENTH" of the Complaint.

19. Defendant denies the allegation contained in Paragraph "NINETEENTH" of the Complaint.

20. Defendant denies the allegation contained in Paragraph "TWENTIETH" of the Complaint.

21. Defendant denies the allegation contained in Paragraph "TWENTY-FIRST" of the Complaint.

22. Defendant denies the allegation contained in Paragraph "TWENTY-SECOND" of the Complaint.

23. Defendant denies the allegation contained in Paragraph "TWENTY-THIRD" of the Complaint.

24. Defendant denies the allegation contained in Paragraph "TWENTY-FOURTH" of the Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

25. Plaintiff's Complaint fails to state a cause of action.

WHEREFORE, defendant, AFNI, INC., requests Judgment dismissing the Complaint with prejudice and denying all requested relief therein, together with such other and further relief as the Court deems just and proper, including costs and reasonable attorneys' fees.

Dated: Spring Valley, New York
October 18, 2007

/S/
ARTHUR SANDERS, ESQ. (AS-1210)
Attorney for defendant
2 Perlman Drive - Suite 301
Spring Valley NY 10977-5230
845-352-7272

TO: David J. Gold, P.C.
Plaintiff *pro se*
116 John Street - Suite 3110
New York NY 10038

CERTIFICATE OF SERVICE

I hereby certify that on October 18, 2007 the foregoing document was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Southern District's Local Rules, and or the Southern District's Rules On Electronic Service upon the following parties and participants:

David J. Gold, P.C.

/S/_____
ARTHUR SANDERS